

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**UNITED STATES OF AMERICA**

**\* CRIMINAL DOCKET NO. 09-310**

**v.**

**\* SECTION: "K" (1)**

**GABRIEL CUTRER**

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**\* \* \***

**FACTUAL BASIS**

The above-named defendant, **GABRIEL CUTRER**, has agreed to plead guilty as charged to Counts One through Five of the Indictment now pending against him. Should this matter have proceeded to trial, the United States of America would have proven beyond a reasonable doubt, through the introduction of relevant, competent, and admissible testimonial, physical and demonstrative evidence, the following facts to support the allegation against the defendant, **GABRIEL CUTRER ("CUTRER")**:

Unless stated otherwise, all of the facts set forth herein occurred within the Eastern District of Louisiana.

A reliable confidential informant (C/I) informed agents of the Tangipahoa Sheriff's Department and the Drug Enforcement Administration (DEA) that **CUTRER** was a distributor of

cocaine base in the Tangipahoa Parish area. On or about September 2, 2009, the C/I, using official agency funds provided by the Tangipahoa Parish Sheriff's Department, made a controlled purchase of approximately one gram of cocaine base from **CUTRER** for \$40.00 at **CUTRER's** residence located at 77494 Hwy 1054 in Kentwood, Louisiana. While inside **CUTRER's** residence, the C/I noticed additional quantities of cocaine base inside the residence. When the C/I returned to the Sheriff's deputies, he notified them of the cocaine found in the residence and turned the purchased cocaine over to them. The agents field tested the drugs which tested positive for the presence of cocaine base.

Based on the controlled purchase and the information provided by the C/I, on September 2, 2009, agents applied for and obtained a search warrant to search **CUTRER's** residence. At approximately 10:45 p.m., agents executed the search warrant. After entering the residence, agents observed several individuals in the residence, including defendants **CUTRER** and Pablo Balderas. Agents gave **CUTRER** a copy of the search warrant and advised him of his Miranda rights. Agents then asked **CUTRER** if there were any drugs in the residence. **CUTRER** said there was cocaine base in the residence but did not know where Balderas hid it when the agents entered the residence. Agents then seized from **CUTRER** \$2,789.00, including the \$40.00 of official agency funds used to make the controlled purchase earlier that day.

Agents then advised Balderas of his Miranda rights and asked him if there was any cocaine in the residence. Balderas told the agents that he hid the cocaine underneath a pillow on the couch. Agents removed the pillow and observed a metal canister containing an off-white rock like substance resembling cocaine base. The agents field tested the substance which tested positive for the presence of cocaine base. The drugs were then analyzed the DEA laboratory by Forensic Chemist Xiu Liu.

The drugs tested positive for the presence of cocaine and had a net weight of 11.1 grams. Next to the canister was a loaded .38 caliber Smith and Wesson handgun with serial number 63231. The parties acknowledge and agree that the firearm was manufactured outside the state of Louisiana and thus had to travel through interstate commerce.

After searching the residence, agents arrested **CUTRER** and Balderas. On September 3, 2009 at approximately 12:30 a.m., **CUTRER** gave a recorded statement. According to **CUTRER**, he purchased the seized cocaine approximately two days earlier from a man he identified as "D" from Mississippi. **CUTRER** told the agents that he purchased four 6 - 8 gram "cookies" of cocaine base once or twice a week from D and paid between \$300.00 and \$350.00 for each cookie. **CUTRER** also told the agents that he (**CUTRER**) purchased cocaine from other individuals as well and had been doing so for about three or four years. When the agents asked **CUTRER** about the gun, **CUTRER** told the agents that Balderas obtained the gun that same day from an individual in exchange for cocaine base. **CUTRER** was aware that the firearm was in the residence and was being used for their protection.

Balderas then gave a recorded statement to the agents. In his statement, Balderas told the agents that his cousin **CUTRER** obtained the cocaine base from a source in Mississippi. When the agents asked Balderas about the gun, Balderas admitted that he hid the gun when the agents entered the residence. Balderas said that **CUTRER** gave it to him after he (**CUTRER**) obtained it from another individual by trading drugs or money.

The agents learned that **CUTRER** had a prior felony conviction that precluded him from possessing a firearm. On or about June 14, 2005, **CUTRER** pled guilty to Possession of a Controlled Dangerous Substance, Schedule II, in case number 112538 in the Twenty-First Judicial

District Court, State of Louisiana.

On or about June 14, 2005, **CUTRER** pled guilty to Possession of a Controlled Dangerous Substance, Schedule II, in case number 112538 in the Twenty-First Judicial District Court, State of Louisiana. He was sentenced to a term of five years imprisonment, suspended, and was placed on three years probation.

For sentencing purposes, the Government and defendant, **CUTRER**, agree that **CUTRER** should be held responsible for at least 50 grams but not more than 150 grams of cocaine base which he distributed during the course of the conspiracy.

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GABRIEL CUTRER (Date)  
Defendant